

Regular Session, 2009

HOUSE BILL NO. 551

BY REPRESENTATIVES MILLS, ABRAMSON, BOBBY BADON, BARROW, BURFORD, HENRY BURNS, CHAMPAGNE, DOERGE, DOVE, GISCLAIR, GUINN, HARDY, HARRISON, HENDERSON, HILL, HINES, SAM JONES, KATZ, LABRUZZO, LAMBERT, LANDRY, LEBAS, LITTLE, MONToucET, MORRIS, NOWLIN, POPE, SIMON, ST. GERMAIN, WILLIAMS, AND WILLMOTT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

SANITARY CODE: Creates a public safety campaign and labeling program for Chinese seafood

1 AN ACT

2 To amend and reenact R.S. 40:4(A)(1)(b) and to enact R.S. 40:5.5.2, relative to seafood
3 products; to create a seafood safety campaign; to grant the state health officer
4 rulemaking authority; to mandate the labeling of certain seafood products; to require
5 the posting of signs; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:4(A)(1)(b) is hereby amended and reenacted and R.S. 40:5.5.2 is
8 hereby enacted to read as follows:

9 §4. Sanitary Code

10 A. The state health officer acting through the office of public health of the
11 Department of Health and Hospitals shall prepare, promulgate, and enforce rules and
12 regulations embodied within the state's Sanitary Code covering all matters within his
13 jurisdiction as defined and set forth in R.S. 40:5. The promulgation of this Sanitary
14 Code shall be accomplished in strict accordance with the provisions of the
15 Administrative Procedure Act, and further, in conformity with the following
16 guidelines and directives:

1 (1)

2 * * *

3 (b)(i) Pending the availability of federal funds to implement this
4 Subparagraph, the inspection of seafood conducted pursuant to the Sanitary Code
5 and pursuant to the Department of Agriculture and Forestry's Seafood Inspection
6 Program shall include a recommendation for testing of the environment, including
7 the water source, to the appropriate agency, only when evidence of contamination,
8 adulteration, or spoilage or of any other condition or substance which is or may be
9 injurious to health of humans or animals is indicated. The department shall adopt
10 rules as part of the Sanitary Code and the Department of Agriculture and Forestry
11 shall adopt rules as part of the Seafood Inspection Program.

12 (ii) Subject to the appropriation of funds by the legislature, the state health
13 officer shall institute a public safety campaign to warn the public about the risks of
14 consuming seafood from the People's Republic of China deemed to be safe by the
15 Seafood Inspection Program but which nevertheless contains hazardous substances.
16 The campaign shall include a warning label program as more specifically provided
17 for in R.S. 40:5.5.2.

18 * * *

19 §5.5.2. Chinese seafood warning label program; hazardous conditions

20 A. The legislature finds that serious risks to public health may be posed by
21 radiation, antibiotics, such as chloramphenicol and fluoroquinolones, chemicals,
22 malachite green, copper salts, and other residues found in Chinese seafood. The
23 overexposure to antibiotics from such seafood may cause serious antibiotic
24 resistance to the consumer. In addition, chemicals such as malachite green are
25 known carcinogens. It is the intent of the legislature to protect the health and welfare
26 of Louisiana consumers from potentially harmful residues in seafood imported from
27 the People's Republic of China that are sold or served in Louisiana. Therefore, the
28 legislature finds that Louisiana consumers have the right to know if seafood imported
29 from the People's Republic of China is being served in a food service establishment

1 or is available for purchase, as the consumption of such seafood may pose a serious
2 health risk.

3 B.(1) The state health officer shall prepare and promulgate all rules and
4 regulations necessary to ensure that all consumers of imported marine and freshwater
5 seafood products from the People's Republic of China are warned about the potential
6 health risks associated with the consumption of those products.

7 (2) The state health officer and the Louisiana Restaurant Association shall
8 employ a marketing campaign that places an emphasis on highlighting the benefits
9 of patronizing Louisiana restaurants and eating local seafood.

10 C.(1) No person shall knowingly sell or offer for sale any imported marine
11 or freshwater seafood product from the People's Republic of China that may be
12 purchased by the general public unless the container is clearly labeled and bears on
13 the principal display panel the words "WARNING" "This product contains Chinese
14 seafood which may be hazardous to your health".

15 (2) The following cautionary statement, or its practical equivalent, shall be
16 placed on the label but need not be part of the warning statement on the principal
17 display panel: "This product contains Chinese seafood and has passed all current
18 governmental standards for its sale in the state of Louisiana; however, Chinese
19 seafood products have been reported to contain substances which may be
20 carcinogenic. The consumption of Chinese seafood may be hazardous to your
21 health".

22 D. Each retail seafood dealer as defined in R.S. 56:306.1 shall provide a sign
23 posted at the establishment which provides the following warning "Chinese seafood
24 has been reported to contain substances which may be carcinogenic. The
25 consumption of Chinese seafood may be hazardous to your health".

26 E. Any signs or labels required by this Section shall be in the English
27 language, in legible type, and located in a conspicuous place.

28 Section 2. This Act shall become effective on January 1, 2010.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Mills

HB No. 551

Abstract: Creates a public safety campaign to warn people about the risks of consuming Chinese seafood products. Requires retailers to warn customers about possible contamination of Chinese seafood products.

Present law creates a seafood inspection program under the Dept. of Agriculture and subject to the state Sanitary Code, as administered by the Dept. of Health and Hospitals.

Proposed law creates a separate public safety campaign to warn the public of the risks of consuming Chinese seafood even if it is deemed safe by the seafood inspection program.

Proposed law requires the state health officer to promulgate rules and regulations to ensure consumers are warned of potential health risks of Chinese seafood.

Proposed law requires the state health officer and the La. Restaurant Association to employ a marketing campaign that highlights the benefits of patronizing La. restaurants and eating local seafood.

Proposed law requires retailers and any other person that sells Chinese seafood to label the product with the following: "This product contains Chinese seafood and has passed all current governmental standards for its sale in the state of La.; however Chinese seafood products have been reported to contain substances which may be carcinogenic. The consumption of Chinese seafood may be hazardous to your health".

Proposed law requires retail seafood dealers to post the following sign: "Chinese seafood has been reported to contain substances which may be carcinogenic. The consumption of Chinese seafood may be hazardous to your health."

Proposed law requires signs to be in the English language, in legible type, and located in a conspicuous place.

Effective Jan. 1, 2010.

(Amends R.S. 40:4(A)(1)(b); Adds R.S. 40:5.5.2)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Health and Welfare to the original bill.

1. Requires the state health officer and the La. Restaurant Association to implement a marketing campaign highlighting the benefits of patronizing La. restaurants and eating local seafood.
2. Deletes the requirement that all food service establishments post signs warning that Chinese seafood may contain carcinogenic substances and the consumption of Chinese seafood may be hazardous to people's health.